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# Manitoba

**Law Reform Commission**

**Commission de réforme du droit**

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## THIRTY-SECOND ANNUAL REPORT

## 2002-2003

March 31, 2003

The Manitoba Law Reform Commission was established by *The Law Reform Commission Act* in 1970 and began functioning in 1971.

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John C. Irvine
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The Manitoba Law Reform Commission is funded through grants from:

The Department of Justice, Government of Manitoba

and

The Manitoba Law Foundation

Copies of the Commission's Reports may be ordered from the Publications Branch, Office of the Queen's Printer, 200 Vaughan Street, Winnipeg, MB R3C 1T5; however, some of the Commission's Reports are no longer in print.

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## THE COMMISSION'S MANDATE

The Manitoba Law Reform Commission is an independent agency of the Government of Manitoba established by *The Law Reform Commission Act*. The Commission's duties are to inquire into and consider any matter relating to law in Manitoba with a view to making recommendations for the improvement, modernization and reform of law, including:

- the removal of provisions of the law which are outdated or inconsistent;
- the maintenance and improvement of the administration of justice;
- the review of judicial and quasi-judicial procedures under any Act; and
- the development of new approaches to and new concepts of law in keeping with and responsive to the changing needs of society and of individual members of society.

## MANDAT DE LA COMMISSION

La Commission de réforme du droit du Manitoba est un organisme indépendant du gouvernement du Manitoba, établi en vertu de la *Loi sur la Commission de réforme du droit*. La Commission a pour fonctions de faire enquête sur les questions se rapportant au droit manitobain et de les étudier en vue de faire des recommandations pour améliorer, moderniser et réformer le droit, et notamment en vue:

- de supprimer les dispositions du droit qui sont désuètes ou incompatibles;
- de soutenir et d'améliorer l'administration de la justice;
- d'examiner les procédures judiciaires et quasi-judiciaires prévues par une loi quelconque;
- d'élaborer de nouvelles méthodes et de nouveaux concepts de droit correspondant à l'évolution des besoins de la société.

# PART I

## INTRODUCTION

Lord Scarman, appointed the first Chair of the English Law Commission in 1965, reminded us less than 15 years later that the enthusiasm for law reform in the mid-60s had been replaced by a chillier attitude. How true was that warning; and perhaps particularly so for our Commission which was twice on the chopping block in this Province, once in the mid 1980s and again in the mid 1990s. Despite these vicissitudes, we still maintain a vibrancy in the legal community of the 21st Century. Our resources are much more restricted and our successes, therefore, more limited. However, the conviction remains that the law must continually be adapted to meet the changing needs of society and the early enthusiasm of which Lord Scarman spoke has given way to dedication and perseverance despite the problems of financial exigencies. We believe that this is recognized by recent legislation which implemented the recommendations contained in several of our more recent Reports. We are therefore encouraged to continue to bring before our politicians the pressing need to support the work of our Commission to meet the demands of modern society.

# PART II

# THE YEAR IN REVIEW
# April 1, 2002 to March 31, 2003

## 1. REPORTS ISSUED

**#108 - Wills and Succession Legislation** (March 2003)

The Report sets out what is intended to be a comprehensive review of Manitoba's wills and succession legislation. Several statutes have been reviewed in the course of preparing the Report with a view to ensuring their integrity and relevance and that, as a whole they operate as effectively and harmoniously as possible. Although the Report focuses primarily on *The Wills Act*, it includes an examination of relevant provisions of *The Law of Property Act, The Intestate Succession Act, The Marital Property Act, The Dependants Relief Act, The Trustee Act,* and *The Court of Queen's Bench Rules*, as well as a discussion of certain aspects of *The Court of Queen's Bench Surrogate Practice Act.*

The Report contains 77 recommendations and although many are somewhat technical in nature, there are also many that will have more obvious effects. For example, the Commission has recommended that the age at which a person may make a valid will be reduced from 18 to 16 and that *The Wills Act* should expressly prohibit wills that exist only in electronic form. As well, the Commission has attempted to enhance the instructional value of *The Wills Act* so that lawyers, and persons drafting their own wills, can use the Act as a more complete code of the requirements for a valid will. Adoption of the *Hague Convention on the Law Applicable to Succession to the Estates of Deceased Persons* will also help clarify areas of Manitoba's legislation that deal with situations where the laws of more than one jurisdictions may apply to a will or intestacy. The Executive Summary of the Report can be found at the Commission's website: http://www.gov.mb.ca/justice/mlrc

## 2. IMPLEMENTATION

The Commission was pleased to see three of its more recent Reports implemented through legislation at the last Session of the Legislature. We are pleased to note that, of the 147 (108 formal and 39 informal) reports which have issued over the past 32 years, close to 78% have been implemented by the government through legislative or administrative action.

On May 14, 2002, the Minister of Justice and Attorney General, the Hon. Gord Mackintosh, introduced Bill 16, The Class Proceedings Act. On second reading, the Minister

stated that the legislation aims at improving access to justice and will bring Manitoba into step with a number of other jurisdictions which have enacted comprehensive class action legislation. The Bill, based on the recommendations contained in the Commission's Report on *Class Proceedings* (Report #100, January 1999), received Royal Assent on July 25, 2002 (*The Class Proceedings Act*, S.M. 2001-2002, c. 14).

Amendments to *The Fatal Accidents Act* were also introduced by the Minister on May 2, 2002. These implemented recommendations made by the Commission in its Report on *Assessment of Damages under The Fatal Accidents Act for the Loss of Guidance, Care and Companionship* (Report #105, October 2000). On a reference from the Minister, the Commission undertook a study of the conventional sums being awarded by the courts to compensate specified family members for the loss of guidance, care and companionship that the deceased would have provided but for his or her untimely death. It recommended that substantial increases be made and that the legislation provide that the new conventional awards be adjusted by the courts according to the prevailing rate of inflation. The Bill received Royal Assent on July 25, 2002 (*The Fatal Accidents Amendment Act*, S.M. 2001-2002, c. 13).

On July 18, 2002, Bill 54 was introduced by the Minister. Although it did not implement all of the recommendations contained in the Commission's Report on *The Legislative Assembly and Conflict of Interest* (Report #106, December 2000), it provided for the appointment of a Conflict of Interest Commissioner. The Bill received Royal Assent on August 9, 2002 (*The Legislative Assembly and Executive Council Conflict of Interest Amendment (Conflict of Interest Commissioner) Act*, S.M. 2001-2002, c. 49). Following its proclamation, an all-party agreement in the Manitoba legislature led to the appointment of the province's first conflict of interest commissioner, William Norrie (former Winnipeg mayor and Chancellor of the University of Manitoba), on December 3, 2002.

In addition, further implementation of our Report on *Regulating Professions and Occupations* (Report #84, October 1984) was realized through the enactment of *The Occupational Therapists Act* and *The Registered Dietitians Act*.

## 3. CURRENT PROJECTS

**Withholding or Withdrawing Life Sustaining Treatment (Do-not-resuscitate Orders)**

A discussion Paper was issued in early June setting out and seeking input on several issues. Over 200 copies were circulated to health care providers, patient advocate organizations, the judiciary and legal profession, government departments and the general public. And, in January, 2003, Ms Phillips attended the Rounds at St.Boniface Hospital where Dr. Jocelyn Downie,

Director of the Health Law Institute at Dalhousie University in Halifax, Nova Scotia, addressed an audience of close to 300 people on the issue of setting clear guidelines for the withholding or withdrawing medical treatment from patients whose lives cannot be saved or prolonged. Dr. Downie praised the Commission for reviewing the issue and circulating its Discussion Paper on the subject. The Dalhousie health Law Institute End of Life Project was given permission to put the Discussion Paper on their website. It can be viewed at:

http://www.dal.ca/hli/endoflife

We are now in the process of compiling the responses received and once reviewed and assessed by the commissioners, final recommendations will be drafted. We plan to complete the project in the new year and then submit our final Report to the Minister.

**Title Insurance**

In May 2002, the Minister of Justice and Attorney General, the Hon. Gord Mackintosh, requested that the Commission undertake a review of and provide recommendations on the issue of regulation of private title insurers. Commencement of the project was subject to the government's ability to secure the necessary funding. Confirmation has recently been received and the project will get under way early in the new year.

**Substitute Health Care Decision Making**

As ministerial references are given priority by the Commission, this project has been put on hold until more time and resources are available.

In June 2002, we were informed by the Minister that the proposed project on the use of

cell phones in automobiles has been undertaken by the Department of Transportation and Government Services. The project has therefore been removed from our agenda.

# PART III

# ADMINISTRATION

## 1. THE COMMISSIONERS

The current members of the Commission and their terms of office are as follows:

| Commissioner | Affiliation | Term expires |
|---|---|---|
| Clifford H.C. Edwards | Dean Emeritus, Faculty of Law, University of Manitoba | May 9, 2002 |
| John C. Irvine | Professor, Faculty of Law, University of Manitoba | May 9, 2003 |
| Gerald O. Jewers | Justice, Court of Queen's Bench | May 9, 2002 |
| Kathleen C. Murphy | Practising lawyer | May 9, 2003 |
| Alice R. Krueger | non-lawyer | April 3, 2005 |

Although the terms of office of Prof. Edwards and Mr. Justice Jewers expired on May 9, 2002, they agreed to hold office for the remainder of the year and will continue to do so until their terms have been extended or new appointments have been made through Order in Council.

Prof. Edwards is the President of the Commission. His devotion and dedication to law reform continue as strong as ever.

As noted in our last Annual Report, the term of office of the Hon. Pearl K. McGonigal, our lay member, expired in May 2001. However, she agreed to continue to serve until the appointment of a replacement. On April 3, 2002, the Lieutenant Governor in Council appointed Alice R. Krueger as the lay member of the Commission to replace Mrs. McGonigal. Ms Krueger is a long-time Winnipeg journalist. Her newspaper career has spanned more than 30 years and has covered the Manitoba Legislature over the course of five administrations from Premiers Walter Weir to Gary Filmon. Her contribution in the past year to the work of the Commission continues to reaffirm our view that the advice and input of a lay member provides a better perspective on "non-legal" issues which we often tend to forget.

We wish to thank Mrs. McGonigal for her dedication to law reform during the past sixteen years. Her input on various topics such as living wills, powers of attorney, animal protection, stalking and elder abuse, and conflict of interest has certainly resulted in better and

clearer recommendations for reform. Also, her knowledge of governmental protocol has kept us on the right track at several stages of our operation.

## 2. STAFF

There have been no changes in our staff during the past year. The employment contract for our full time Legal Counsel, Sandra Phillips, was renewed for another year. Her work on the project dealing with "Do-not-resuscitate" orders resulted in the release of the Discussion Paper on *Withholding or Withdrawing Life Sustaining Treatment* in early June 2002. She also provided invaluable assistance to Prof. Harvey and the Commission on the *Wills and Succession Legislation* project. Having Sandra with us for the past year and a half has certainly reinforced our view that it is imperative to have in-house counsel in order to accomplish the research and writing so necessary to reaching our final recommendations.

Suzanne Pelletier, who has been with the Commission since its inception, continues to do great work though she is now working only on a half-time basis. We all view with great trepidation the possibility of her retiring!

## 3. CONSULTANTS

Prof. Cameron Harvey of the Faculty of Law, University of Manitoba, continued to assist us during our deliberations on the *Wills and Succession Legislation* project. We also retained Jonathan G. Penner and Blane Morgan to prepare draft legislation and an executive summary to accompany the final Report. We wish to thank them for the continued support and assistance without which this project would not have been completed.

## 4. FINANCE

The grant from the Department of Justice remained at $60,000 for the 2002-2003 fiscal year. However, in addition, we are provided free rent and financial administrative costs by the Department at an estimated cost of $15,000 per annum, for a total contribution of approximately $75,000. We cannot stress enough the need to reinstate the Commission's funding from the provincial government on a more stable footing.

If it were not for the substantial increase in our grant from the Manitoba Law Foundation, we would have had to cut our operation substantially. For example, it would not have been possible for us to renew the contract for our Legal Counsel on a full time basis or our Administrator's part-time employment would have had to be reduced further. The Foundation grant was increased from $65,000 to $100,000 for which we are most grateful. Due to the current economic and interest rate climates, the Foundation is working on a revised process for

assessing its granting priorities and evaluation of its applicants for the 2004-05 fiscal year. We cannot say at this stage how this will affect us.

Needless to say, as a statutory body established through provincial legislation, we believe that, in order to maintain a viable and independent operation, reliable funding must be provided by the government. If this is not possible and if we are faced with *any* cutback in the Foundation grant, the Commission may have to cease its operation.

As the Foundation grant is paid in arrears in quarterly installments, its last payment was received on March 31, 2003. This placed the Commission in the position of having to operate with very limited funds for the last three months of the year. Our aim in the future will be to carry forward a sufficient amount from one fiscal year to the next in order to avoid any shortfalls in the last quarter of the fiscal year.

## 5. PUBLIC RELATIONS

In September 2002, Prof. John Irvine, commissioner, under the auspices of the University of Manitoba, attended the Annual Meeting of the Society of Public Teachers of Law (now the Society of Legal Scholars) in England. The overall theme of the conference was law reform, on which there were a number of plenary sessions. The keynote speaker on Judicial law reform was the Rt. Hon. Lord Justice Mummery. In addition, Law Commissioner for England and Wales, Stuart Bridge, addressed the conference on the topic of "From research to results: the road to law reform". Two panel discussions were held on "Codification of the criminal law", chaired by His Honour Judge Alan Wilkie, QC., Law Commissioner for England and Wales, and on "Law reform processes in the United Kingdom and Ireland", chaired by the Hon. Mr. Justice Toulson, Chairman of the Law Commission of England and Wales.

In September 2002, Sandra Phillips travelled to Edmonton to attend the Health Law Institute's conference on *Precedent and Innovation: Health Law in the 21st Century*. The information and ideas presented, as well as the connections made with leading health law academics will be useful in our projects on substitute consent and withholding or withdrawing life sustaining treatment. Also, in January 2003, the President, Clifford Edwards, addressed the Faculty of Law at the University of Manitoba on the history of the Commission and its work over the past 30+ years.

The autumn 2002 issue of *Reform*, published by the Australian Law Reform Commission, contained an article on the work of the Manitoba Commission.

In February 2003, Prof. Edwards and Ms Phillips attended a meeting in Vancouver of representatives of the four western law reform agencies to discuss the possibility of undertaking a joint project. Two topics were identified: powers of attorney and title insurance.

# PART IV

# CONCLUSION

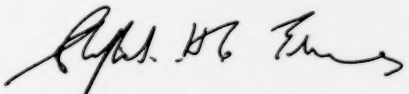
As mentioned earlier, the work of the Commission could not be accomplished without the continued dedication of its consultants and staff. It is thanks to them that the laws of Manitoba are kept under review and, we trust, changed for the better. The legislation enacted at this last session of the Legislature is a prime example of this achievement.

We thank the librarians in the E.K. Williams Library, the Provincial Archives and Legislative Library, and the Department of Justice library for their assistance as well as the staff of the Administration and Finance Branch of the Department of Justice who continue to administer our trust account.

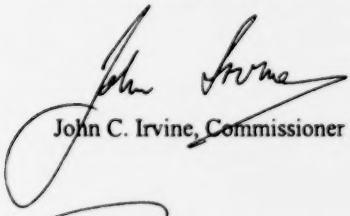
The Commission's operations would not be possible without the support of its funding bodies, the Department of Justice and the Manitoba Law Foundation. We wish to give special thanks to the Law Foundation for the substantial increase in our grant this year. Without it, we could not have accomplished what we did.

Our thanks to the Deputy Minister of Justice, Bruce McFarlane, and his staff for his on-going assistance. Finally, thank you to the Minister of Justice and Attorney General, the Hon. Gord Mackintosh, who often expresses his appreciation of the work of the Commission and continues to support our future endeavours.

This is a report pursuant to section 15 of *The Law Reform Commission Act*, C.C.S.M. L95, dated this 31st day of March 2003.

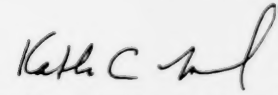


Clifford H.C. Edwards, President

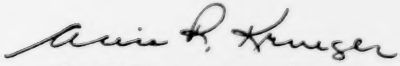


John C. Irvine, Commissioner

Gerald O. Jewers, Commissioner



Kathleen C. Murphy, Commissioner



Alice R. Krueger, Commissioner

## APPENDIX A

## Statement of Receipts and Expenditures 2002-2003 Fiscal Year (000's

| | |
|---|---|
| **RECEIPTS** | |
| Funds carried forward | $3.1 |
| Grant from Department of Justice | 60.0[1] |
| Grant from The Manitoba Law Foundation | 100.0 |
| **Total** | **$163.1** |
| **EXPENDITURES** | |
| Commissioners' remuneration and benefits | $36.4 |
| Legal counsel's remuneration | 52.4 |
| Administrator's remuneration | 26.0 |
| Consultants | 1.6 |
| Telephone, fax, postage, courier | 3.0 |
| Supplies and services | 0.6 |
| Printing and photocopying | 3.7 |
| Computer related expenses | 8.3 |
| Meetings, travel and accommodation | 1.5 |
| Subscriptions and other operating | 0.5 |
| Membership fees | 0.2 |
| **Total** | **$134.2** |
| **Surplus(Deficit)** | **$28.9**[2] |

[1]In addition to its grant, the Department of Justice also provides the Commission with free accounting services and office accommodation, a savings of approximately $15,000.

[2]Due to our limited budget and the fact that the Manitoba Law Foundation grant is paid quarterly and in arrears, we did not hire a law student during the summer of 2002 nor did we expend a large portion of the funds allocated to consultants' fees so as to have sufficient operating funds for the last quarter of the fiscal year. Our bank balance at March 31st prior to depositing the Foundation's last installment payment of $25,000 was just under $4,000. The cost of printing our Report on *Wills and Succession Legislation* (also just under $4,000) was carried forward to the 2003-2004 fiscal year.

## APPENDIX B

## REPORTS OF THE MANITOBA LAW REFORM COMMISSION AND THEIR IMPLEMENTATION

| Report # | Title | Date | Implementation of Commission's Recommendations |
|---|---|---|---|
| #1 | Jury Services for Registered Indians | April 7, 1971 | An Act to Amend The Jury Act, S.M. 1971, c. 32 |
| #2 | Summary Disposition of Builders' and Workmen's Liens | April 13, 1971 | An Act to Amend The Builders and Workmen Act, S.M. 1976, c. 22 |
| #3 | Disposition of Maintenance Judgments in Land Titles Offices | May 25, 1971 | An Act to Amend The Judgments Act, S.M. 1972, c. 4 |
| #4 | An Act Respecting Billiard and Pool Rooms proposed repeal | October 19, 1971 | The Statute Law Amendment Act (1974), S.M. 1974, c. 59 (s. 8) |
| #5 | Recommended Right of Mortgagors to Obtain Annual Statements | October 19, 1971 | An Act to Amend The Mortgage Act, S.M. 1971, c. 28 |
| #6 | Enactment of a Mineral Declaratory Act | December 20, 1971 | The Sand and Gravel Act, S.M. 1972, c. 34<br>An Act to Amend The Mines Act, S.M. 1972, c. 70 (s. 11)<br>An Act to Amend The Real Property Act, S.M. 1972, c. 70 (ss. 15 and 16) |
| #7 | Powers of Entry, Search and Seizure in The City of Winnipeg Act | January 24, 1972 | An Act to Amend The City of Winnipeg Act, S.M. 1972, c. 93 (ss. 26, 37, 68, 69, 89 and in part ss. 38, 39 and 63) |
| 1A | Auto Engine Numbers in Section 11 of The Bills of Sale Act | May 11, 1971 | The Statute Law Amendment Act, S.M. 1972, c. 81 (s. 3) |
| 1B | (a) Prospect of Mortgagor's Relief from Provisions of Section 20(6) of The Mortgage Act | December 29, 1971 | (change not recommended) |
| | (b) Right to Have Mortgage Discharged Upon Payment in Full After Five Years | December 29, 1971 | An Act to Amend The Real Property Act, S.M. 1972, c. 37 (s. 103(1)) |

| Report # | Title | Date | Implementation of Commission's Recommendations |
|---|---|---|---|
| 1C | Amending provisions as to costs in Part II of The County Courts Act to avoid inconsistency with intent of this new legislation | January 12, 1972 | An act to Amend The County Courts Act, S.M. 1972, c. 38 |
| | First Annual Report | March 13, 1972 | (not applicable) |
| #8 | Section 45 of the Offenses Against the Person Act, 1861 | July 27, 1972 | An Act to Amend The Tortfeasors and Contributory Negligence Act, S.M. 1973, c. 13 |
| #9 | A Review of The Privacy Act with proposed Amendments to the Criminal Code of Canada | September 11, 1972 | (change not recommended) |
| #10 | The Abolition of Interspousal Immunity in Tort | December 19, 1972 | An Act to Amend The Married Women's Property Act, S.M. 1973, c. 12; An Act to Amend The Tortfeasors and Contributory Negligence Act, S.M. 1973, c. 13; An Act to Amend The Criminal Injuries Compensation Act, S.M. 1973, c. 23 |
| 2A | Comments on draft Bill to Amend The Jury Act | April 21, 1972 | An Act to Amend The Jury Act, S.M. 1972, c. 56 |
| 2B | Relaxation of Limit of Number of Trustees under The Trustee Act | June 22, 1972 | An Act to Amend The Trustee Act, S.M. 1972, c. 60 |
| 2C | Uniformity of Definition of Age as between The Age of Majority Act (Man.) And the Criminal Code and the Interpretation Act (Can.) | August 14, 1972 | (not applicable for provincial amendment) |
| 2D | Automatic Attachment of Wages for Maintenance Orders | November 27, 1972 | An Act to Amend The Garnishment Act, S.M. 1974, c. 8 |
| | Second Annual Report | March 20, 1973 | (not applicable) |
| #11 | The Advisability of a Good Samaritan Law | March 8, 1973 | (change not recommended) |
| #12 | Section 110 of The Real Property Act - the immortal Manitoba mortgage | April 11, 1973 | An Act to Amend The Real Property Act, S.M. 1974, c. 44 |
| #13 | Pre-licensing Education for Real Estate Agents in Manitoba | December 3, 1973 | An Act to Amend The Real Estate Brokers Act, S.M. 1975, c. 23 |

| Report # | Title | Date | Implementation of Commission's Recommendations |
|---|---|---|---|
| #14 | Special Enduring Powers of Attorney | January 8, 1974 | The Powers of Attorney Act, S.M. 1980, c. 4 |
| #15 | Administration of Justice Part I - Control of Post-arrest/pre-trial detention | February 26, 1974 | Administration of the Public Safety Building in Winnipeg assumed by the Province of Manitoba, effective October 1, 1977; now called The Winnipeg Remand Centre |
| 3A | Conferring of matrimonial jurisdiction upon a County Court Judge as a local Judge of The Queen's Bench within the Eastern Judicial District | March 30, 1973 | An Act to Amend The Queen's Bench Act, S.M. 1978, c. 28 |
| 3B | Correcting recent error in s. 51 of The Queen's Bench Act | September 26, 1973 | An Act to Amend The Queen's Bench Act, S.M. 1974, c. 15 |
| 3C | Conferring jurisdiction to extend time for payment of fines upon provincial judges other than those who imposed such fines | October 16, 1973 | (not applicable for provincial enactment) |
| 3D | Up-dating index to Statutes of Manitoba | October 23, 1973 | Indexing commenced; computer search of statutes available |
| 3E | Repeal of Section 212 of The Liquor Control Act | December 19, 1973 | Substantial acceptance under s. 16 of An Act to Amend The Liquor Control Act, S.M. 1974, c. 63 |
| | Third Annual Report | April 1, 1974 | (not applicable) |
| #16 | Definition of Death | May 6, 1974 | An Act to Amend The Vital Statistics Act, S.M. 1975, c. 5 |
| #17 | An International Form of Wills for Manitobans | May 6, 1974 | An Act to Amend The Wills Act, S.M. 1975, c. 6 |
| #18 | The Rule in Saunders v. Vautier | January 8, 1975 | An Act to Amend The Trustee Act, S.M. 1982-83-84, c. 38 (s. 4) |
| #19 | The Administration of Justice in Manitoba Part II - Review of The Jury System | February 11, 1975 | An Act to Amend The Jury Act, S.M. 1977, c. 18 |
| 4A | Interprovincial Subpoenas | January 27, 1975 | The Interprovincial Subpoena Act, S.M. 1975, c. 3 |

| Report # | Title | Date | Implementation of Commission's Recommendations |
|---|---|---|---|
| 4B | Enforcement of Custody Orders | January 27, 1975 | The Extra-Provincial Custody Orders Enforcement Act, S.M. 1975, c. 4 |
| 4C | Statutory Sums | February 11, 1975 | Various amendments to Manitoba statutes |
| | Fourth Annual Report | April 9, 1975 | (not applicable) |
| #20 | The Highway Traffic Act | June 16, 1975 | An Act to Amend The Highway Traffic Act, S.M. 1977, c. 34<br><br>An Act to Amend The Highway Traffic Act and The Tortfeasors and Contributory Negligence Act, S.M. 1980, c. 19 |
| #21 | The Administration of Justice in Manitoba Part III - Consolidation of Extra-Provincial Judgment Enforcement | January 28, 1976 | - |
| #22 | Some Aspects of Fire Insurance Legislation in Manitoba | February 9, 1976 | An Act to Amend The Insurance Act, S.M. 1982, c. 11 (s. 1) |
| #23 | Family Law - Part I The Support Obligation | February 27, 1976 | The Family Maintenance Act, S.M. 1978, c. 25 |
| #24 | Family Law - Part II Property Disposition | February 27, 1976 | An Act to Amend The Gift Tax Act (Manitoba) and The Succession Duty Act (Manitoba), S.M. 1977 (2nd Session), c. 2<br><br>The Marital Property Act, S.M. 1978, c. 24<br><br>An Act to Amend various Acts relating to Marital Property, S.M. 1978, c. 27<br><br>An Act to Amend The Wills Act, S.M. 1980, c. 7 |
| 5A | Limitation of Actions for the taking away, conversion or detention of chattels | May 26, 1975 | An Act to Amend The Fatal Accidents Act and Limitation of Actions Act, S.M. 1976, c. 41 (ss. 2-4) |
| | Fifth Annual Report | March 29, 1976 | (not applicable) |

| Report # | Title | Date | Implementation of Commission's Recommendations |
|---|---|---|---|
| #25 | The Case for a Provincial Bill of Rights | May 19, 1976 | |
| #26 | Revision of Birth Certificates of Trans-sexual Persons | September 13, 1976 | The Vital Statistics Act, S.M. 1982-83-84, c. 58 |
| | Sixth Annual Report | March 14, 1977 | (not applicable) |
| 7A | The Local Authorities Election Act | May 31, 1977 | An Act to Amend The Local Authorities Election Act, S.M. 1980, c. 48 |
| | Seventh Annual Report | March 1, 1978 | (not applicable) |
| #27 | Limitation of Actions: Time Extensions for Children, Disabled Persons and Others | January 8, 1979 | An Act to Amend The Limitation of Actions Act, S.M. 1980, c. 28 |
| #28 | Enforcement of Judgments Part I: Exemptions under The Garnishment Act | January 8, 1979 | An Act to Amend The Garnishment Act, S.M. 1979, c. 8 |
| #29 | Emergency Apprehension, Admissions and Rights of Patients under The Mental Health Act | February 12, 1979 | An Act to Amend The Mental Health Act, S.M. 1980, c. 62 |
| #30 | Confidentiality of Adoption Records | February 12, 1979 | An Act to Amend The Child Welfare Act, S.M. 1979, c. 22 (s. 60)<br><br>An Act to Amend The Child Welfare Act, S.M. 1980, c. 41<br><br>Establishment of a Post-adoption Registry |
| 8A | Section 5(1) of The Social Allowances Act | March 30, 1978 | The Statute Law Amendment Act (1984), S.M. 1984, c. 17 |
| | Eighth Annual Report | February 12, 1979 | (not applicable) |
| #31 | Political Financing and Election Expenses | August 13, 1979 | The Elections Finances Act, S.M. 1980, c. 68 |
| #32 | Mechanics' Liens Legislation | August 13, 1979 | The Builders' Liens Act, S.M. 1980-81, c. 7 |
| #33 | Enforcement of Revenue Statutes | August 13, 1979 | The Charter Compliance Statute Amendment Act, S.M. 1985, c. 50 |

| Report # | Title | Date | Implementation of Commission's Recommendations |
|---|---|---|---|
| #34 | Enforcement of Judgments Part III: Exemptions under The Executions Act | October 22, 1979 | An Act to Amend The Executions Act, S.M. 1980, c. 55 |
| #35 | Estate Claims for Loss of Expectation of Life | October 22, 1979 | An Act to Amend The Fatal Accidents Act and The Trustee Act, S.M. 1980, c. 5 |
| #36 | Improved Methods of Enforcing Support Orders Against Real Property | November 19, 1979 | The Family Law Amendment Act, S.M. 1980, c. 54 |
| #37 | Systems of Voter Registration | November 26, 1979 | The Elections Act, S.M. 1980, c. 67 |
| #38 | The One Year Rule for Enforcement of Arrears in Maintenance | January 21, 1980 | An Act to Amend The Family Maintenance Act and The Queen's Bench Act, S.M. 1980, c. 21 |
| 9A | The Fire Departments Arbitration Act | April 17, 1979 | An Act to Amend The Fire Departments Arbitration Act, S.M. 1980, c. 27 |
| 9B | Section 7 of The Payment of Wages Act | August 15, 1979 | An Act to Amend The Payment of Wages Act, S.M. 1980, c. 57 |
| 9C | The Seduction Act | October 22, 1979 | The Equality of Status Act, S.M. 1982, c. 10 |
| 9D | Section 9 of The Manitoba Evidence Act | November 6, 1979 | An Act to Amend The Manitoba Evidence Act, S.M. 1980, c. 26 |
| 9E | The Wills Act and Ademption | November 20, 1979 | An Act to Amend The Wills Act, S.M. 1980, c. 7 |
| 9F | The term "illegitimate" | December 4, 1979 | (change not recommended) |
| | Ninth Annual Report | February 25, 1980 | (not applicable) |
| #39 | Controverted Elections | April 21, 1980 | - |
| #40 | Enforcement of Judgments Part II: Exemptions under The Judgments Act | April 21, 1980 | - |
| #41 | The Statute of Frauds | August 11, 1980 | An Act to repeal the Statute of Frauds, S.M. 1982-83-84, c. 34 |
| #42 | Occupiers' Liability | August 11, 1980 | The Occupiers' Liability Act, S.M. 1982-83-84, c. 29; The Statute Law Amendment Act (1984), S.M. 1984, c. 17 (s. 28) |

| Report # | Title | Date | Implementation of Commission's Recommendations |
|---|---|---|---|
| #43 | The Wills Act and the Doctrine of Substantial Compliance | September 8, 1980 | The Wills Act, S.M. 1982-83-84, c. 31 |
| #44 | The General Register | September 22, 1980 | The Real Property Act and Various Other Acts Amendments Act, S.M. 1987, c. 27 |
| #45 | Simplified Mortgage | December 15, 1980 | (legislative amendment not required) |
| 10A | Municipal Assessment of Personal Property | February 26, 1980 | (referred to Special Committee) |
| 10B | The Marriage Settlement Act | October 9, 1980 | The Statute Law Amendment Act, S.M. 1980-81, c. 26 (s. 22) |
| | Tenth Annual Report | February 16, 1981 | (not applicable) |
| #46 | Conflict of Interest of Municipal Councillors | April 14, 1981 | The Municipal Conflict of Interest Act, S.M. 1982-83-84, c. 44 |
| #47 | Prejudgment Compensation on Money Awards: Alternatives to Interest | January 4, 1982 | The Judgment Interest and Discount Act, S.M. 1986, c. 39 (implemented in principle) (now contained in Part XIV of The Court of Queen's Bench Act) |
| #48 | Prescriptive Easements and Profits-à-prendre | January 18, 1982 | - |
| #49 | The Rules Against Accumulations and Perpetuities | February 12, 1982 | The Perpetuities and Accumulations Act, S.M. 1982-83-84, c. 43 |
| #50 | Investment Provisions under The Trustee Act | February 12, 1982 | An Act to Amend The Trustee Act, S.M. 1982-83-84, c. 38 |
| 11A | Parents' Maintenance Legislation | March 3, 1981 | The Parents' Maintenance Act, S.M. 1985-86, c. 47, s. 34 |
| 11B | Provincial Offences Procedures | June 29, 1981 | An Act to Amend The Summary Convictions Act, S.M. 1982, c. 24 |
| 11C | The Remembrance Day Act | January 28, 1982 | - |
| | Eleventh Annual Report | February 14, 1982 | (not applicable) |
| #51 | The Survivorship Act | September 7, 1982 | The Survivorship Act, S.M. 1982-83-84, c. 28 |

| Report # | Title | Date | Implementation of Commission's Recommendations |
|---|---|---|---|
| #52 | Structure of the Courts, Part I: Amalgamation of the Court of Queen's Bench and the County Courts of Manitoba | October 25, 1982 | An Act to Amend The Queen's Bench Act and to repeal The County Courts Act, The Surrogate Courts Act and The County Court Judges' Criminal Courts Act and to amend The Municipal Boundaries Act, S.M. 1982-83-84, c. 82<br><br>The Court of Queen's Bench Small Claims Practices Act, S.M. 1982-83-84, c. 83<br><br>The Court of Queen's Bench Surrogate Practice Act, S.M. 1982-83-84, c. 84<br><br>An Act to amend Various Acts of the Legislature to facilitate the Reorganization and Expansion of the Court of Queen's Bench, S.M. 1982-83-84, c. 85 |
| #53 | The Law of Domicile | December 1, 1982 | The Domicile and Habitual Residence Act, S.M. 1982-83-84, c. 80 |
| #54 | Certificates of Lis Pendens | February 1, 1983 | The Court of Queen's Bench Act, S.M. 1988-89, c. 4 (s. 58) |
| #55 | Structure of the Courts, Part II: The Adjudication of Smaller Claims | March 7, 1983 | The Statute Law Amendment Act (1985), S.M. 1985, c. 51 |
| | Twelfth Annual Report | April 11, 1983 | (not applicable) |
| #56 | Medical Privilege | October 4, 1983 | (privilege not recommended) |
| #57 | Uniform Sale of Goods Act | November 1, 1983 | - |
| | Thirteenth Annual Report | April 2, 1984 | (not applicable) |
| #58 | Administrative Law; Part I: Procedures of Provincial Government Agencies | June 29, 1984 | (legislative amendment not required); implementation, in part, through governmental policy |
| #59 | Breach of Promise to Marry | October 1, 1984 | The Family Law Amendment Act, S.M. 1987, c. 21 |
| #60 | An Examination of The Dower Act | November 19, 1984 | The Homesteads, Marital Property Amendment and Consequential Amendments Act, S.M. 1992, c. 46 |

| Report # | Title | Date | Implementation of Commission's Recommendations |
|---|---|---|---|
| #61 | Intestate Succession | March 25, 1985 | The Intestate Succession and Consequential Amendments Act, S.M. 1989-90, c. 43 |
| 14A | Jactitation of Marriage | October 5, 1984 | The Family Law Amendment Act, S.M. 1987, c. 21 |
| | Fourteenth Annual Report | April 2, 1985 | (not applicable) |
| #62 | Small Projects<br><br>1) Section 6 of The Mercantile Law Amendment Act<br>2) The Rule in Shelley's Case<br>3) Permissive and Equitable Waste | October 7, 1985 | The Law Reform (Miscellaneous Amendments) Act, S.M. 1992, c. 32 |
| #63 | The Testators Family Maintenance Act | December 16, 1985 | The Dependants Relief Act, S.M. 1989-90, c. 42 |
| #64 | The Married Women's Property Act and Related Matters | December 16, 1985 | - |
| #65 | Section 83 of The Queen's Bench Act | March 31, 1986 | The Statute Law Amendment Act (1986), S.M. 1986-87, c. 19 (s. 12) |
| #66 | The Human Tissue Act | March 31, 1986 | The Human Tissue Act, S.M. 1987, c. 39; The Human Tissue Amendment Act, S.M. 1989-90, c. 28<br><br>An Act to Amend The Anatomy Act, S.M. 1987, c. 57 |
| 15A | Section 300 of The Liquor Control Act | June 17, 1985 | The Law Reform (Miscellaneous Amendments) Act, S.M. 1992, c. 32 |
| | Fifteenth Annual Report | May 6, 1986 | (not applicable) |
| #67 | Sections 33 and 34 of The Wills Act | June 16, 1986 | The Statute Law Amendment Act (1987), S.M. 1987-88, c. 66 (s. 25); The Wills Amendment Act, S.M. 1989-90, c. 44 |
| #68 | Periodic Payment of Damages | March 31, 1987 | The Court of Queen's Bench and Consequential Amendments Act, S.M. 1993, c. 19 |
| #69 | Administrative Law, Part II: Judicial Review of Administrative Action | March 31, 1987 | - |
| | Sixteenth Annual Report | April 13, 1987 | (not applicable) |

| Report # | Title | Date | Implementation of Commission's Recommendations |
|---|---|---|---|
| 17A | The Wages Recovery Act | September 9, 1987 | The Law Reform (Miscellaneous Amendments) Act, S.M. 1992, c. 32 |
| | Seventeenth Annual Report | September 14, 1988 | (not applicable) |
| #70 | The Manitoba Law Reform Commission: A Framework for the Future | November 23, 1988 | The Law Reform Commission Act, S.M. 1989-90, c. 25 |
| #71 | The Bulk Sales Act | December 21, 1988 | The Law Reform (Miscellaneous Amendments) Act, S.M. 1992, c. 32 |
| | Eighteenth Annual Report | August 8, 1989 | (not applicable) |
| #72 | The Independence of Provincial Judges | June 28, 1989 | The Provincial Court Amendment Act, S.M. 1989-90, c. 34; The Provincial Court Amendment Act, S.M. 1994, c. 14 |
| | Nineteenth Annual Report | May 15, 1990 | (not applicable) |
| #73 | Statutory Designations and The Retirement Plan Beneficiaries Act | October 23, 1990 | The Retirement Plan Beneficiaries Act, S.M. 1992, c. 31 |
| 20A | Limitation of Actions Brought by the Crown | September 27, 1990 | - |
| 20B | Replevin and the Need for Prior Possession | January 28, 1991 | (change not recommended) |
| | Twentieth Annual Report | March 31, 1991 | (not applicable) |
| #74 | Self-Determination in Health Care (Living Wills and Health Care Proxies) | June 25, 1991 | The Health Care Directives and Consequential Amendments Act, S.M. 1992, c. 33 |
| #75 | The Independence of Justices of the Peace and Magistrates | August 15, 1991 | - |
| #76 | Sterilization and Legal Incompetence | January 27, 1992 | (change not recommended) |
| | Twenty-first Annual Report | March 31, 1992 | (not applicable) |
| #77 | Non-charitable Purpose Trusts | September 21, 1992 | - |
| #78 | Tort Liability for Animals | November 23, 1992 | The Animal Liability and Consequential Amendment Act, S.M. 1998, c. 8 |
| #79 | Ethical Investments by Trustees | January 25, 1993 | The Trustee Amendment Act, S.M. 1995, c. 14 |

| Report # | Title | Date | Implementation of Commission's Recommendations |
|---|---|---|---|
| 22A | Scope of Apportionment under The Tortfeasors and Contributory Negligence Act | June 22, 1992 | - |
| 22B | Section 23 of The Wills Act Revisited | December 14, 1992 | The Wills Amendment Act, S.M. 1995, c. 12 |
| | Twenty-second Annual Report | March 31, 1993 | (not applicable) |
| #80 | Privity of Contract | October 5, 1993 | - |
| #81 | Distress for Rent in Commercial Tenancies | January 4, 1994 | - |
| #82 | Pre-contractual Misstatements | March 7, 1994 | - |
| #83 | Enduring and Springing Powers of Attorney | March 29, 1994 | The Powers of Attorney and Mental Health Amendment Act, S.M. 1996, c. 62 |
| | Twenty-third Annual Report | March 31, 1994 | (not applicable) |
| #84 | Regulating Professions and Occupations | October 28, 1994 | Partly implemented, in principle, by amendments to various Acts of the Legislature |
| #85 | Arbitration | November 28, 1994 | The Arbitration and Consequential Amendments Act, S.M. 1997, c. 4 |
| #86 | Covenants in Commercial Tenancies | March 28, 1995 | - |
| 24A | A Small Discrepancy between The Elections Act and The Local Authorities Election Act | April 26, 1994 | - |
| 24B | Lapsed Residual Gifts in Wills | May 16, 1994 | (no longer required due to *Re Smith and McKay* (1994), 116 D.L.R. (4th) 308 (Man. C.A.)) |
| 24C | Security for the Administration of Estates | October 6, 1994 | - |
| | Twenty-fourth Annual Report | March 31, 1995 | (not applicable) |
| #87 | Interim Payment of Damages | June 6, 1995 | - |
| #88 | Reselling Unused Cemetery Plots | September 21, 1995 | - |
| #89 | The Trust Provisions in The Perpetuities and Accumulations Act | September 21, 1995 | - |
| #90 | Residential Exemptions from Judgment Execution | October 17, 1995 | - |

| Report # | Title | Date | Implementation of Commission's Recommendations |
|---|---|---|---|
| #91 | Minors' Consent to Health Care | December 12, 1995 | - |
| #92 | Fundamental Breach and Frustration in Commercial Tenancies | January 23, 1996 | - |
| #93 | Animal Protection | February 13, 1996 | The Animal Care Act, S.M. 1996, c. 69 |
| | Twenty-fifth Annual Report | March 31, 1996 | (not applicable) |
| #94 | Confidentiality of Mediation Proceedings | April 23, 1996 | - |
| #95 | Commercial Tenancies: Miscellaneous Issues | July 29, 1996 | - |
| #96 | Special Constables | November 12, 1996 | Implemented, in part, through administrative action of the Department of Justice's Law Enforcement Services |
| #97 | Section 270 of The Highway Traffic Act | March 24, 1997 | - |
| #98 | Stalking | May 28, 1997 | The Domestic Violence and Stalking Prevention, Protection and Compensation and Consequential Amendment Act, S.M. 1998, c. 41 |
| | Twenty-sixth Annual Report | June 30, 1997 | (not applicable) |
| #99 | Review of the Small Claims Court | March 17, 1998 | The Court of Queen's Bench Small Claims Practices Amendment and Parental Responsibility Amendment Act, S.M. 1999, c. 22 |
| | Twenty-seventh Annual Report | March 31, 1998 | (not applicable) |
| #100 | Class Proceedings | January 1999 | The Class Proceedings Act, S.M. 2001-2002, c. 14 |
| | Twenty-eighth Annual Report | March 31, 1999 | (not applicable) |
| #101 | Trustee Investments: The Modern Portfolio Theory | June 1999 | - |
| #102 | Informal Assessment of Competence | September 1999 | - |

| Report # | Title | Date | Implementation of Commission's Recommendations |
|---|---|---|---|
| #103 | Adult Protection and Elder Abuse | December 1999 | - |
| | Twenty-ninth Annual Report | March 31, 2000 | (not applicable) |
| #104 | Compensation of Vaccine-Damaged Children | June 2000 | - |
| #105 | Assessment of Damages under *The Fatal Accidents Act* for the loss of Guidance, Care and Companionship | October 2000 | The Fatal Accidents Amendment Act, S.M. 2001-2002, c. 13 |
| #106 | The Legislative Assembly and Conflict of Interest | December 2000 | The Legislative Assembly and Executive Council Conflict of Interest Amendment (Conflict of Interest Commissioner) Act, S.M. 2001-2002, c. 49 |
| | Thirtieth Annual Report | March 31, 2001 | (not applicable) |
| #107 | Good Faith and the Individual Contract of Employment | December 2001 | - |
| | Thirty-first Annual Report | March 31, 2002 | (not applicable) |
| #108 | Wills and Succession Legislation | March 11, 2003 | - |
| | Thirty-second Annual Report | March 31, 2003 | (not applicable) |